



Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Aboul-Hosn et al.

Examiner: W. Matthews

Serial No. : 09/481,730

Group Art Unit: 3738

Filed : 11 January 2000

For : Methods and Systems for Providing Right and/or Left Heart Support
During Cardiac Surgery

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Patricia A. Limbach, Esq. (Registration Number 50,295), state that I am attorney of record in the above-identified patent application (which I will call the '730 Application).

I further state that A-Med Systems, Inc. is the assignee of 100% of the invention claimed and described in U.S. Patent 6,532,964 and the present '730 Application. The assignment of the U.S. Application Serial No. 09/231,230 (now U.S. Patent 6,532,964) by the inventors to A-Med Systems, Inc. is recorded in the United States Patent Office on Reel/Frame 9929/0828, a true copy of which is attached. A copy of the assignment of the '730 Application by the inventors to A-Med Systems is also attached. As a result, U.S. Patent 6,532,964 and the present '730 Application are commonly owned by A-Med Systems, Inc.

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With respect to claims granted in the '730 Application, A-Med Systems, Inc. hereby disclaims the terminal part of any patent granted which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,532,964.

A-Med Systems, Inc. hereby agrees that any patent granted on the '730 Application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent 6,532,964. This agreement shall run with any patent granted on the '730 Application and shall be binding upon the grantor, its successors, or assigns.

A-Med Systems, Inc. does not disclaim any terminal part of any patent granted on the '730 Application prior to the expiration date of the full statutory term of U.S. Patent 6,532,964 in the event that U.S. 6,532,964 later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); (5) has all claims canceled by a reexamination certificate; or (6) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. 3.73(b), I hereby state that the evidentiary documents accompanying or referred to in this Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of the assignee A-Med Systems, Inc.'s knowledge and belief, title is in the assignee. I also state that I am authorized by A-Med Systems, Inc. to make this Terminal Disclaimer on its behalf.

A-Med Systems, Inc.

By: Patricia A. Limbach
Patricia A. Limbach, Esq.
Registration Number 50,295
Attorney of Record

A-Med/16761-CIP 3/041223 Terminal Disclaimer